

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

AMY BOEVING,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 21-cv-00353-JPG
)	
CITY OF COLLINSVILLE, ILLINOIS,)	
)	
And RANDALL E. TEDESCO a/k/a)	
RANDY TEDESCO)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on various motions regarding Plaintiff Amy Boeving (“Plaintiff”) and Defendants City of Collinsville and Randall Tedesco (collectively, “Defendants”) dispute over Plaintiff’s Second Amended Complaint (Doc. 36).

On January 27, 2022, Plaintiff filed her Second Amended Complaint, forty-five days after the Court dismissed Count III of Plaintiff’s complaint. February 15, 2022, Defendant filed a Motion to Strike the Second Amended Complaint because Plaintiff failed to comply with Federal Rule of Civil Procedure 15(a). (Doc. 40). Plaintiff did not respond within the required 14-day response period and the Court issued a Show Cause Order (Doc. 41). A day later Plaintiff responded.

Plaintiff filed her Motion for Leave to File a Response to Defendants’ Motion to Strike Out of Time and Memorandum in Support (Docs. 42 and 44), Consent Motion for Leave to File Second Amended Complaint Retroactively and Memorandum in Support (Doc. 43 and 44), and Response to the Court’s Show Cause Order (Doc. 45). In Plaintiff’s responses, she stated that Defendants now consent to her filing her Second Amended Complaint (although they did not join the motion). Defendants also responded and stated they, in fact, do not oppose Plaintiff’s

Motion to File her Second Amended Complaint (Doc. 47).

Since Defendants do not oppose Plaintiff's Motion for Leave to File Second Amended Complaint, the Court will allow Plaintiff to file her Second Amended Complaint. The Court and the parties can address any additional amendments to scheduling at the status conference scheduled for April 4, 2022.

Therefore, the Court hereby:

- **GRANTS** Plaintiff's Motion for Leave to File Second Amended Complaint Retroactively (Doc. 43);
- **FINDS AS MOOT** Defendants' Motion to Strike Second Amended Complaint (Doc. 40);
- **FINDS AS MOOT** Plaintiff's Motion for Leave to File Response to Defendants' Motion to Strike out of Time (Doc. 42);
- **ORDERS** that Defendants have 21 days from entry of this order to answer Plaintiff's Second Amended Complaint (Doc. 36).

IT IS SO ORDERED.

Dated: March 21, 2022

/s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE